

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.4014/2014

This is the 24th day of November, 2015

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

Lilu Ram, aged -28 years
S/o Sh. Hawa Singh,
R/o Vill. & PO Kadma, Tesh. Badada,
Distt. Bhiwani (Har)

...Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India through The General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Assistant Personal Officer,
Railway Recruitment Cell,
Lajpat Nagar-I, New Delhi – 24
3. The divisional Medical Officer,
Northern Railway Hospital,
Muradabad (UP).

.... Respondents

(By Advocate: Mr. R.N. Singh)

ORDER(ORAL)

By Hon'ble Shri V. Ajay Kumar, M(J)

Heard both sides.

2. The applicant, who belongs to unreserved category, submitted that he is a physically disabled person with more than 50% disability and accordingly in pursuant to the notification dated 30.08.2012 issued by the respondents for selection to the post of

Group 'D', he applied and secured 79.01 marks. The applicant also submitted that he has also annexed Annexure A-3, Certificate for the Persons with Disabilities issued by the Civil Surgeon, Government General Hospital, Bhiwani, Haryana, whereunder it was opined that the applicant is having 50 % Permanent (Physical) impairment (PWD).

3. However the respondents rejected the candidature of the applicant on the ground that disability of the applicant is less than 40% and he is not eligible for appointment under PWD (OH) quota vacancies. It is also submitted that after short listing and verifying the documents, the applicant was sent for medical examination in Railway Hospital, Muradabad and it was opined that the applicant is less than 40% PWD. The learned counsel for the applicant submits that since he has got a certificate by Competent Medical Authority of Govt. Hospital that he is 50% disabled, he is entitled for fresh medical examination by an independent medical board, i.e., other than a railway medical board.

4. On the other hand, learned counsel for the respondents submits that the applicant was sent to Chief Medical Superintendent/Muradabad vide order dated 19.05.2014 for medical examination wherein it was reported that the applicant is not an orthopedically handicapped candidate and had opined that disability of the applicant is less than 40%. Hence he has not been considered for said appointment.

5. In the circumstances, and in view of conflicting medical opinions, both by governmental medical authorities, we are of the view that applicant's case is to be re-examined by constituting an independent Medical Board. Accordingly, the OA is allowed and the respondents are directed to re-examine the applicant by an independent Medical Board consisting of three relevant doctors of Dr. Ram Manohar Lohia Hospital within 60 days from the date of receipt of a copy of this order under intimation to the applicant and take a final view on the appointment of the applicant, basing on the said medical board report/opinion within 30 days therefrom. No costs.

(Shekhar Agarwal)
Member(A)

(V. Ajay Kumar)
Member(J)

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